

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HABIB ABDULKARIM,

Petitioner,

v.

CLARK COUNTY DETENTION
CENTER, *et al.*,

Respondents.

Case No. 2:22-cv-01241-ART-NJK

Order Dismissing Petition

In his original *pro se* 28 U.S.C. § 2241 petition for a writ of habeas corpus Habib Abdulkarim raised a claim of excessive bail. (ECF No. 4.) Because the claim appeared unexhausted, the court directed Abdulkarim to show cause and file such proof as he may have to demonstrate that he exhausted his claim. (ECF No. 3.) Instead, Abdulkarim filed an amended petition. (ECF No. 9.) The amended petition asserts that the state district court is violating his Sixth Amendment right to a speedy trial. He indicates on the face of the petition that he has not raised this claim in state court. Thus, he has not exhausted available state court remedies. *See, e.g., Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 489-92 (1973) (holding that pretrial detainee in state custody must exhaust available state court remedies before seeking federal habeas review of the detainee's constitutional claim); *Arevalo v. Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018)(observing that pretrial detainee had properly

1 exhausted his state court remedies before filing federal petition for a writ of
2 habeas corpus).

3 Here it appears that from Abdulkarim's amended petition that he and his
4 counsel disagree about whether to pursue pretrial habeas relief in state court.
5 (See ECF No. at 2-3.) The court is not inclined to consider Abdulkarim's habeas
6 claim prior to giving the Nevada courts an opportunity to redress any violation
7 of Abdulkarim's constitutional right to a speedy trial. See *Braden*, 410 U.S. at
8 491 (observing that pretrial detainee seeking to enforce right to speedy trial had
9 exhausted state court remedies before seeking federal habeas relief).

10 **IT IS THEREFORE ORDERED** that the petition is **DISMISSED** without
11 prejudice.

12 **IT IS FURTHER ORDERED** that a certificate of appealability is denied, as
13 jurists of reason would not find the court's dismissal of this action for failure to
14 state a cognizable claim to be debatable or incorrect.

15 **IT IS FURTHER ORDERED** that the Clerk of Court enter judgment
16 accordingly and close this case.

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18 DATED: 21 October 2022.

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21 ANNE R. TRAUM
22 UNITED STATES DISTRICT JUDGE
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